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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,200	08/29/2000	Cornelius Van Zon	US 000219	8637
24737	7590	11/16/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			RAO, ANAND SHASHIKANT	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,200

Applicant(s)

VAN ZON, CORNELIUS

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-21 as filed in the amendment of 7/12/2004 have been considered but are moot in view of the new ground(s) of rejection based on newly cited portions of the previously applied references addressing the newly added limitations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Sethuraman et al., (hereinafter referred to as "Sethuraman").

Sethuraman discloses an apparatus in a receiver that is configured for receiving and decoding an incoming scaleable video bit stream (Sethuraman: column 35, lines 40-58) that has been encoded by a transmitter for transmission externally from the transmitter (Sethuraman: column 9, lines 35-54) and further configured for generating a baseband video signal (Sethuraman: column 8, lines 40-65), said apparatus for controlling a processing load of said scalable video decoder (Sethuraman: column 9, lines 35-45), said apparatus comprising: analyzer circuit capable of measuring, from the received bit stream, (Sethuraman: column 9, lines 35-45) at least one characteristic of said received bit stream and generating at least one video parameter associated with said at least one characteristic (Sethuraman: column 4, lines 20-25); and a processor load controller configured for receiving said at least one video parameter (Sethuraman: column 9, lines 7-35) and, in response thereto, controlling a level of decoding of said incoming received bit stream performed by said scalable video decoder (Sethuraman: column 9, lines 46-56), as in claim 1.

Regarding claim 2, Sethuraman discloses that said at least one video parameter indicates a level of motion of frames (Sethuraman: column 7, lines 20-53), as in the claim.

Regarding claim 3, Sethuraman discloses that said at least one video parameter indicates a level of detail of frames (Sethuraman: column 19, lines 40-50), as in the claim.

Regarding claims 4-5, Sethuraman discloses receiving a frame type parameter associated with a first frame (Sethuraman: column 4, lines 55-65), as in the claims.

Regarding claims 6-7, Sethuraman discloses receiving a source type parameter indicating a video bit stream or a film bit stream (Sethuraman: column 3, lines 35-55), as in the claims.

Regarding claim 8, Sethuraman discloses generates at least one scale factor capable of controlling a level of decoding performed by said scalable video decoder (Sethuraman: column 6, lines 25-67), as in the claim.

Sethuraman discloses a video receiver (Sethuraman: figure 1), comprising: a buffer configured for receiving an incoming scalable video bit stream (Sethuraman: column 4, lines 40-50), that has been transmitted externally from a video transmitter and for storing the received bit stream (Sethuraman: column 35, lines 40-58); in communicative connection with the buffer (Sethuraman: column 9, lines 35-54), a scalable video decoder configured for decoding an the bit stream that has been stored and generating a baseband video signal (Sethuraman: column 8, lines 40-65), said scalable video decoder comprising: an apparatus configured for controlling a processing load of said scalable video decoder comprising (Sethuraman: column 9, lines 35-45): an analyzer circuit configured for measuring at least one characteristic of said bit stream that has been stored and generating at least one video parameter associated with said at least one characteristic (Sethuraman: column 4, lines 20-25); and a processor load controller configured for receiving said at least one video parameter (Sethuraman: column 9, lines 7-35) and, in response thereto, controlling a level of decoding performed by said scalable video decoder (Sethuraman: column 9, lines 46-56) on said bit stream that has been stored (Sethuraman: column 35, lines 40-58); and coupled to said scalable video decoder, a display, configure for displaying said baseband video signal (Sethuraman: column 36, lines 1-10), as in claim 9.

Regarding claim 10, Sethuraman discloses that said at least one video parameter indicates a level of motion of frames (Sethuraman: column 7, lines 20-53), as in the claim.

Regarding claim 11, Sethuraman discloses that said at least one video parameter indicates a level of detail of frames (Sethuraman: column 19, lines 40-50), as in the claim.

Regarding claims 12-13, Sethuraman discloses receiving a frame type parameter associated with a first frame (Sethuraman: column 4, lines 55-65), as in the claims.

Regarding claims 14-15, Sethuraman discloses receiving a source type parameter indicating a video bit stream or a film bit stream (Sethuraman: column 3, lines 35-55), as in the claims.

Regarding claim 16, Sethuraman discloses generates at least one scale factor capable of controlling a level of decoding performed by said scalable video decoder (Sethuraman: column 6, lines 25-67), as in the claim.

Sethuraman discloses a method for controlling a processing load of a scalable video decoder incorporated within a receiver that receives an incoming scaleable video bit stream from a transmitter configured for encoding to form said incoming scalable video bit stream and further configured for transmitting said incoming scalable video bit stream (Sethuraman: column 35, lines 40-58), said scalable video decoder being configured for decoding said an incoming scalable video bit stream and generating a baseband video signal (Sethuraman: column 8, lines 40-65), said method comprising the steps of (Sethuraman: column 9, lines 35-45): measuring, from the received bit stream (Sethuraman: column 9, lines 45-54), at least one characteristic of said received bit stream; generating at least one video parameter associated with said at least one characteristic (Sethuraman: column 4, lines 20-25); generating at least one video parameter

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associated with the at least one characteristic (Sethuraman: column 9, lines 7-35); and in response to a value of the at least one video parameter controlling a level of decoding of said received bit stream performed by said scalable video decoder (Sethuraman: column 9, lines 46-56), as in claim 17.

Regarding claim 18, Sethuraman discloses that said at least one video parameter indicates a level of motion of frames (Sethuraman: column 7, lines 20-53), as in the claim.

Regarding claim 19, Sethuraman discloses that said at least one video parameter indicates a level of detail of frames (Sethuraman: column 19, lines 40-50), as in the claim.

Regarding claims 20-21, Sethuraman discloses receiving a frame type parameter associated with a first frame (Sethuraman: column 4, lines 55-65), as in the claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2613

asr
April 2, 2004

ANDY RAO
PRIMARY EXAMINER

